



Lyon & Lyon LLP  
Docket Information  
262/098

**DECLARATION  
Utility Application**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **MESOPOROUS PERMEATION LAYERS FOR USE ON ACTIVE ELECTRONIC MATRIX DEVICES** the specification of which

(Check One)

is attached hereto OR

was filed on December 10, 2001 as United States Application Serial No. 10/014,895 or PCT International Application No. \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Date of Filing	Priority Claimed	
			Yes	No

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application Number	PCT Parent Number	Parent Filing Date	Status-Patented, Pending or Abandoned

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

201	FULL NAME OF INVENTOR	FIRST Name Jainamma	MIDDLE Initial	LAST Name Krotz	
	RESIDENCE & CITIZENSHIP	City San Diego	State or Foreign Country California	Country of Citizenship India	
	POST OFFICE ADDRESS	6913 Westleigh Place	City San Diego	State or Country California	Zip Code 92126

INVENTOR'S SIGNATURE

DATE

05/15/02

202	FULL NAME OF INVENTOR	FIRST Name Daniel	MIDDLE Initial D.	LAST Name Smolko	
	RESIDENCE & CITIZENSHIP	City Jamul	State or Foreign Country California	Country of Citizenship United States	
	POST OFFICE ADDRESS	20555 Bee Valley Road	City Jamul	State or Country California	Zip Code 91935

INVENTOR'S SIGNATURE

DATE

5/15/02

203	FULL NAME OF INVENTOR	FIRST Name Howard	MIDDLE Initial R.	LAST Name Reese	
	RESIDENCE & CITIZENSHIP	City Poway	State or Foreign Country California	Country of Citizenship United States	
	POST OFFICE ADDRESS	12604 Oak Knoll, Apt. 121	City Poway	State or Country California	Zip Code 92064

INVENTOR'S SIGNATURE

DATE

5/15/02

204	FULL NAME OF INVENTOR	FIRST Name Thomas	MIDDLE Initial J.	LAST Name Onofrey	
	RESIDENCE & CITIZENSHIP	City San Marcos	State or Foreign Country California	Country of Citizenship United States	
	POST OFFICE ADDRESS	590 Sonoma Street	City San Marcos	State or Country California	Zip Code 92070

INVENTOR'S SIGNATURE

DATE

5/15/02

205	FULL NAME OF INVENTOR	FIRST Name Daguang	MIDDLE Initial	LAST Name Wang
	RESIDENCE & CITIZENSHIP	City San Diego	State or Foreign Country California	Country of Citizenship China
	POST OFFICE ADDRESS	8872 Revelstock Way	City San Diego	State or Country California

INVENTOR'S SIGNATURE

DATE

206	FULL NAME OF INVENTOR	FIRST Name Theodore	MIDDLE Initial M.	LAST Name Winger
	RESIDENCE & CITIZENSHIP	City San Diego	State or Foreign Country California	Country of Citizenship France
	POST OFFICE ADDRESS	12475 Heatherton Court	City San Diego	State or Country California

INVENTOR'S SIGNATURE

Theodore M. Winger

DATE 05/15/2002

207	FULL NAME OF INVENTOR	FIRST Name John	MIDDLE Initial R.	LAST Name Havens
	RESIDENCE & CITIZENSHIP	City San Diego	State or Foreign Country California	Country of Citizenship United States
	POST OFFICE ADDRESS	5628 Lamas Street	City San Diego	State or Country California

INVENTOR'S SIGNATURE

DATE

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205	FULL NAME OF INVENTOR	FIRST Name Daqiang	MIDDLE Initial	LAST Name Wang
	RESIDENCE & CITIZENSHIP	City San Diego	VISTA	State or Foreign Country California
	POST OFFICE ADDRESS	23444 ESPLENDIDO	CITY San Diego	Country of Citizenship USA
			State or Country California	Zip Code 92128
INVENTOR'S SIGNATURE <i>Daqiang Wang</i>			DATE 5/17/02	

92084

206	FULL NAME OF INVENTOR	FIRST Name Theodore	MIDDLE Initial M.	LAST Name Winger
	RESIDENCE & CITIZENSHIP	City San Diego	State or Foreign Country California	Country of Citizenship France
	POST OFFICE ADDRESS	12475 Heatherton Court	City San Diego	State or Country California
INVENTOR'S SIGNATURE <i>Theodore M. WINGER</i>			DATE 05/15/2002	

207	FULL NAME OF INVENTOR	FIRST Name John	MIDDLE Initial R.	LAST Name Havana
	RESIDENCE & CITIZENSHIP	City San Diego	State or Foreign Country California	Country of Citizenship United States
	POST OFFICE ADDRESS	5628 Lamas Street	City San Diego	State or Country California
INVENTOR'S SIGNATURE			DATE	

MAY-20-02 07:14 FROM-Legal/Finance Naren

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T-187 P.003/003 F-320

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202/008

205	FULL NAME OF INVENTOR	FIRST Name Deguang	MIDDLE Initial	LAST Name Wang
	RESIDENCE & CITIZENSHIP	City San Diego	State or Foreign Country California	Country of Citizenship China
	POST OFFICE ADDRESS	8872 Revelstock Way	City San Diego	State or Country California Zip Code 92118

DATE

INVENTOR'S SIGNATURE

206	FULL NAME OF INVENTOR	FIRST Name Theodore	MIDDLE Initial M.	LAST Name Winger
	RESIDENCE & CITIZENSHIP	City San Diego	State or Foreign Country California	Country of Citizenship France
	POST OFFICE ADDRESS	12475 Heatherton Court	City San Diego	State or Country California Zip Code 92128

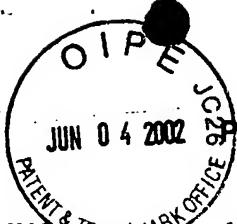
DATE 05/15/2002

INVENTOR'S SIGNATURE

207	FULL NAME OF INVENTOR	FIRST Name John	MIDDLE Initial R.	LAST Name Havens
	RESIDENCE & CITIZENSHIP	City San Diego ARLINGTON	State or Foreign Country California MA	Country of Citizenship United States
	POST OFFICE ADDRESS	5628 Lomas Street 82 Marlo St	City San Diego ARLINGTON	State or Country California MA Zip Code 92122 C2474

DATE 5/17/2002

INVENTOR'S SIGNATURE



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COPY OF PAPERS  
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NANOGEN, INC., assignee of the application for United States Letters Patent for an improvement in

MESOPOROUS PERMEATION LAYERS FOR USE ON ACTIVE ELECTRONIC MATRIX  
DEVICES  
by Jainamma Krotz, et al.

the specification of which was filed on December 10, 2001, having U.S. Patent Application Serial No. 10/014,895, does hereby appoint as my attorneys and/or agents, with full power of substitution and revocation, to prosecute this application and transact all business in the United States Patent and Trademark Office, and in countries other than the United States, and to do all things necessary or appropriate therefor before any competent International Authorities in connection with any international patent application(s) corresponding to the above-identified application, all of the registered practitioners identified by Customer Number 22249:



22249

PATENT TRADEMARK OFFICE

LYON & LYON LLP  
Suite 4700  
633 West Fifth Street  
Los Angeles, California 90071  
(213) 489-1600

Please send all inquiries to David B. Murphy, at the above Customer Number.

I, the undersigned, declare that I have reviewed copies of the documentary evidence establishing chain of title to the patent application identified above from the inventors to the assignee, which:

- is filed for recordation herewith; or  
 was recorded at Reel \_\_\_\_\_, Frame \_\_\_\_\_; or  
 has been sent for recordation under separate cover, copy attached herewith.

To the best of the undersigned's knowledge and belief, title is in the assignee identified above. Furthermore, the undersigned is empowered to sign this document on behalf of the assignee.

Full Name of Assignee:	Nanogen, Inc.	
Post Office Address:	10398 Pacific Center Court, San Diego, California 92121	
Signature of Declarant or Assignee:	Date: <i>Randy J. Berholtz</i> 5/17/02	
Full Name of Declarant If Other Than Assignee:	Randy J. Berholtz, Esq.	
Title of Declarant:	Senior Corporate Counsel and Director, Business Development	
Address of Declarant:	10398 Pacific Center Court, San Diego, California 92121	